

ENTERED

February 16, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§

MAGISTRATE NO. 2:18-MJ-163

VICTOR GERRON-STAPLES

§

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case:

- (1) There is probable cause to believe the Defendant committed an offense pursuant to 18 U.S.C. § 2252(a)(1) and involves a minor victim; and
- (2) The Defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community.

The evidence against the Defendant is substantial. The Defendant admitted to possessing child pornography during 2015. The Defendant is employed, has no other criminal history, and his girlfriend and his girlfriend's family are willing to step up to provide any assistance ordered by the court. The case agent surmised, based on the file names contained on items seized from the Defendant, that such items would reveal possession in 2018 of images of child pornography. No proof was presented, however. This is a presumption case and therefore the findings and conclusions contained in the Pretrial Report prepared by the United States Probation Officer are adopted by the court

and the United States' motion for detention is granted. This order is entered without prejudice to the Defendant's right to re-open the issue of detention if counsel for the United States does not provide proof, within 30 days or less, to back up the agent's belief that the Defendant possessed child pornography when arrested in 2018.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 16th day of February, 2018.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE